

Docket Item # 6
BZA CASE # 2003-00057

Board of Zoning Appeals
November 13, 2003

ADDRESS: 35 EAST BELLEFONTE AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: SCHUYLER AHRENS, CONTRACTOR FOR
TERESA HOUSER, OWNER

ISSUE: Variance to enclose an existing covered porch in the required side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(2)	Side Yard (East)	7.00 ft	5.10 ft	1.90 ft

(insert sketch here)

STAFF CONCLUSION:

The property does not meet the criteria for a variance.

DISCUSSION:

1. The applicants propose to enclose an existing porch in the required east side yard of the dwelling located at 35 East Bellefonte Avenue.
2. The subject property is a 9,249 square foot lot with 50.00 feet of frontage on East Bellefonte Avenue. The lot extends 185.00 feet from East Bellefonte Avenue to the rear of the property.
3. The property is occupied by a one and one-half story brick single-family dwelling located 59.80 feet from the front property line facing East Bellefonte Avenue, 7.60 feet from the west side property line, 3.50 feet from the east side property line. A covered porch is located within the required east side yard. A detached framed garage is located 3.50 feet from the east side property line. Real estate assessment records indicated the house was built in 1930.
4. The existing covered porch is located on the east wall of the dwelling. The footprint of the porch currently measures 8.10 feet long on both the north and south facades and 10.60 feet long on the east facade.
5. The applicants propose to enclose the existing covered porch by utilizing the existing roof and footprint. The porch will be enclosed with glass panels placed on top of the existing footprint. The new enclosed structure will only measure 8.00 feet long on the north and south facades and 9.00 feet wide on the east facade. The new structure will measure approximately 11.00 feet in height from grade to the peak of the gable on the east facade.
6. Section 12-102(A) of the zoning ordinance states that a noncomplying structure may not be physically enlarged or expanded unless such enlargement or expansion complies with the regulations. The existing porch is classified as a noncomplying structure because it is located in the required east side yard. Converting the existing porch to an enclosed structure triggers the variance requirement.
7. There have been no previous variance requests for this property.
8. Since 1993 there have been no similar variance applications in the immediate area.
9. Master Plan/Zoning: The subject property is zoned R-2-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-506(A)(2)Side Yard

The R-2-5 zone requires a 7.00 foot side yard setback or a setback of at least one-third the building height whichever is greater. The applicants propose to enclose an existing noncomplying porch in a required east side yard. The east wall of the proposed structure measures 5.10 feet from the east side property line. The applicants request approval of a variance of 1.90 feet.

NONCOMPLYING STRUCTURE:

The existing building at 35 East Bellefonte Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Requirement</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (East)	7.00 feet	5.10 feet	1.90 feet

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

The lot is developed with a single family dwelling and a free-standing two-car garage on a complying R-2-5 zoned lot. The subject lot is 84 percent larger than the required minimum lot square footage prescribed by R-2-5 zone regulations. Given the size of this lot, the property owner has substantial opportunity to build without encroaching into required yards. There is sufficient lot area to build in compliance with zoning ordinance requirements without a variance. Strict application of the zoning ordinance in this case will not diminish the reasonable use of the property and not result in a hardship or confiscation of the property.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?

The subject lot is similar in size and configuration to other R-2-5 lots containing single family detached dwellings in the vicinity.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?
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No hardship has been created by the applicant. The property was built prior to current zoning ordinance regulations.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?
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By not observing the minimum required setback distance, the location may affect the adjacent property. The increased mass in proximity to the adjacent property could impact the adjacent property's current enjoyment of light and air.

5. Have alternate plans been considered so that a variance would not be needed?
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The applicant indicates that no alternative plans were considered.

6. Is any other official remedy available to relieve the hardship?
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No other remedy exists except a variance.

STAFF: Barbara Ross, Deputy Director, Peter Leiberg, Principal Planner,
Rasheda DuPree, Urban Planner, Department of Planning and Zoning

DEPARTMENTAL COMMENTS

Transportation and Environmental Services:

F-1 No T&ES objections or recommendations.

Code Enforcement:

- C-1 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As an alternative, a 2 hour fire wall may be provided.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical and plumbing systems.
- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep the construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 No ground disturbance is involved with this case. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.